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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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SUITE 201
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In re Application of:
Fernandez et al.
Application No. 09/823,506
Filed: March 28, 2001
For: INTEGRATED NETWORK FOR
MONITORING REMOTE OBJECTS

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition to make special under MPEP § 708.02, XII: Special Status for Applications Relating to Biotechnology Filed by Applicants who are Small Entities, filed March 7, 2003.

A grantable petition to make an application special under MPEP § 708.02, XII, for an invention directed to biotechnology, must include the petition fee under 37 CFR § 1.17(h), and must state the following:

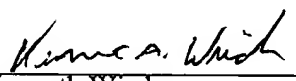
- (A) that small entity status has been established or include a statement establishing small entity status;
- (B) that the subject of the patent application is a major asset of the small entity; and
- (C) that the development of the technology will be significantly impaired if examination of the patent application is delayed, including an explanation of the basis for making the statement

Applicant's invention is generally directed to remote monitoring and surveillance using a digital network. While the Applicant superficially discloses that the invention can be used in medical monitoring (specification – second full paragraph on page 7), such use does not constitute a biotechnology invention, and is only an example application. Biotechnology requires the study of biology and the use of microorganisms. Applicant's invention broadly includes many other applications including a burglar alarm, smoke detector, thermostat, phone answering machine, and other non-biotechnology applications (specification – third full paragraph on page 7). Applicant may consider requesting special status under MPEP § 708.02, VIII.

Accordingly, the petition is **DENIED**.

Petitioner is given TWO MONTHS from the date of this decision to request reconsideration and supplement the original petition as appropriate.

The application file will be returned to the Technology Center's central files storage area to await action in its regular turn.


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